

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3057/2012

MR. BRIJ LAL Petitioner

Through: Mr. Moni Cinmoy, Adv.

versus

**THE CENTRAL INFORMATION COMMISSION AND
ORS**

..... Respondents

O R D E R

21.05.2012

C.M. No. 6593/2012 (exemption)

Allowed subject to just exceptions.

The application stands disposed of.

W.P. (C) 3057/2012

The petitioner by this writ petition under Article 226 of the Constitution of India assails the order dated 01.07.2011 passed by the Central Information Commissioner in Appeal No. CIC/DS/A/2010/002004.

The petitioner moved a RTI application to the Commissioner of Income Tax, ITO, Aayakar Bhawan, Sanjay Place, Agra on 03.02.2010. In this application the petitioner stated that he had moved a Tax Evasion Petition (TEP), and sought the conduct of an enquiry on the known sources of income of one Shri M. P. Singh. He stated that despite passage of seven months, he had not received any response. Therefore, under the Right to Information Act, he sought information with regard to the action taken on the said complaint.

This query was responded to on 09.03.2010 by the Assistant Commissioner of Income Tax/CPIO, Agra. The CPIO declined the application

of the petitioner seeking direct information with regard to the sources of income of Shri M. P. Singh by placing reliance on Section 8(1)(j) on the ground that it related to a third party and disclosure of the said information was not in public interest. It appears that before disposing of the application, the CPIO also issued notice to Shri M. P. Singh and

Shri M. P. Singh objected to disclosure of the information.

The petitioner then preferred an appeal before the first appellate authority. The first appellate authority rejected the appeal on 29/30.04.2010, again placing reliance on Section 8(1)(j) of the Act. The petitioner then preferred a further appeal to the CIC, which has been disposed of by the impugned order.

Learned counsel for the petitioner submits that the Joint Commissioner of Income Tax Range-5, Forozabad has declined to act on the tax revision petition of the petitioner on the ground that the information desired by the petitioner is six years old and is barred by limitation as per the provisions of Income Tax Act. It is stated that the information is not in custody of the CPIO. He also observed that Shri M. P. Singh, against whom the complaint was lodged by the petitioner, is presently assessed with ITO 3(iv), Mathura and the jurisdiction does not lie with the Joint Commissioner of Income Tax, Range-5, Firozabad. He held that since no larger public interest is involved in the matter, the petitioner's appeal is disposed of.

The submission of counsel for the petitioner is that since the TEP of the petitioner has not been actioned on account of the same being barred by limitation, effectively, the information sought by the petitioner has not been provided.

Learned counsel for the petitioner places reliance on the decision of this Court in W.P.(C) No. 3114/2007 in support of his submission that the respondent was neither provided information with regard to the sources of income of Shri M. P. Singh nor conducted an enquiry/investigation on the TEP of the petitioner.

A perusal of the decision in Bhagat Singh vs. Chief Information Commissioner and Ors. W.P.(C) No. 3114/2007 decided on 03.12.2007 shows that in that case on the TEP action was taken, but the TEP investigation report was not provided under the Right to Information Act. All that the Court held was that the querist was entitled to receive a copy of the said TEP investigation report. In the present case, the Joint Commissioner of Income Tax has held that the said TEP cannot be actioned as it is barred by limitation. That, in my view, is sufficient disclosure so far as the action taken on the TEP is concerned.

So far as the petitioner's grievance with regard to non supply of information with regard to sources of income of Shri M. P. Singh is concerned, in my view, the CPIO correctly relied upon Section 8(1)(j) of the Act to deny information to the petitioner. Section 8(1)(j) reads as follows: -

'8(1)(j)

information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:’

The information sought by the petitioner in relation to the sources of income of Shri M. P. Singh is undoubtedly personal information, disclosure of which has no relationship to any public activity or public interest of, or in relation to, Shri M. P. Singh. I, therefore, find no merit in this petition. The same is dismissed.

VIPIN SANGHI, J

MAY 21, 2012